

# **APPENDIX 1**

KIESEL LAW LLP  
Attorneys at Law  
Beverly Hills, California

**II. DISCOVERY DISPUTE NUMBER 1 – EVIDENCE OF FRACTURES IN PROFEMUR COCR NECKS**

**A. Plaintiffs' Document Demand and Defendants' Responses**

**1. Defendant Wright Medical Technology, Inc.**

REQUEST FOR PRODUCTION NO. 1:

All DOCUMENTS which RELATE TO COMMUNICATIONS YOU sent to or received from the U.S. Food and Drug Administration ("FDA") concerning the PROFEMUR DEVICE with the CoCr NECK, including but not limited to the FDA regulatory file and any supplementation, addition, amendment to same.

RESPONSE TO REQUEST FOR PRODUCTION NO. 1:

The general objections above are incorporated by reference as though fully set forth herein. Wright Medical objects to this Request on the grounds that it seeks information neither relevant to the subject matter of this litigation nor proportional to the needs of the case. Specifically, this Request seeks documents, for an unlimited period of time, which pertain to products which Plaintiff did not receive and which are not at issue in this case. Subject to, and without waiver of, the foregoing objections, Wright Medical will produce, upon the entry of a stipulated confidentiality order, the regulatory files for the products which Plaintiff received and are at issue in this case.

REQUEST FOR PRODUCTION NO. 3:

All DOCUMENTS which RELATE TO the substance of meetings YOU had

KIESEL LAW LLP  
Attorneys at Law  
Beverly Hills, California

1 with the FDA RELATING to the PROFEMUR DEVICE with the CoCr NECK,  
2 including but not limited to the FDA regulatory file and any supplementation,  
3 addition, amendment to same.

4 RESPONSE TO REQUEST FOR PRODUCTION NO. 3:

5 The general objections above are incorporated by reference as though fully set  
6 forth herein. Wright Medical objects to this Request on the grounds that it seeks  
7 information neither relevant to the subject matter of this litigation nor  
8 proportional to the needs of the case. Specifically, this Request seeks documents,  
9 for an unlimited period of time, relating to any and all communications  
10 regardless of the substance, which pertain to products which Plaintiff did not  
11 receive and which are not at issue in this case. Read literally this Request seeks  
12 any and all documents related to the FDA, having any arguable connection to the  
13 products at issue in this case, regardless as to whether the communication has  
14 anything to do with the allegations and theories of defect pled in the Complaint.  
15 Subject to, and without waiver of, the foregoing objections, upon the entry of a  
16 stipulated confidentiality order, Wright Medical will produce the regulatory files  
17 for the products which Plaintiff received and are at issue in this case.

18 REQUEST FOR PRODUCTION NO. 5:

19 All DOCUMENTS which RELATE TO COMMUNICATIONS from 2009 to  
20 present concerning a potential or actual recall of the CoCr NECK, including, but  
21 not limited to, minutes of meetings in which a recall was discussed.

22 RESPONSE TO REQUEST FOR PRODUCTION NO. 5:

23 The general objections above are incorporated by reference as though fully set  
24 forth herein. Wright Medical objects to this Request to the extent that it seeks  
25 documents which pertain to the decisions and conduct of a third party, over  
26 whom Wright Medical has no control. Wright Medical further objects to this  
27 Request on the grounds that it seeks information neither relevant to the subject  
28 matter of this litigation nor proportional to the needs of the case. Specifically,  
this Request seeks documents, for an unlimited period of time, which pertain to  
products which Plaintiff did not receive and which are not at issue in this case.  
Subject to, and without waiver of, the foregoing objections, upon the entry of a  
stipulated confidentiality order, Wright Medical will produce risk assessment  
and analysis forms it prepared for the PROFEMUR® modular neck component  
at issue, which may include information responsive to this Request.

REQUEST FOR PRODUCTION NO. 7:

All DOCUMENTS which RELATE TO reports of implant failures RELATING  
TO the PROFEMUR DEVICE with the CoCr NECK.

RESPONSE TO REQUEST FOR PRODUCTION NO. 7:

The general objections above are incorporated by reference as though fully set  
forth herein. Wright Medical objects to this Request as overbroad and  
disproportionate to the needs of this case because it seeks documents concerning  
other product failures involving different patients with different product

KIESEL LAW LLP  
Attorneys at Law  
Beverly Hills, California

1 configurations, treated by different physicians and surgeons, with differing  
2 medical conditions and circumstances, all of which have no relevance to the  
3 claims asserted by Plaintiff in this case. Wright Medical further objects that the  
4 term “implant failures” is vague, ambiguous and undefined within the context of  
5 this Request and could include instances having nothing to do with the  
6 allegations or theories at issue in this matter. Wright Medical further objects to  
7 this Request to the extent it seeks information and documents, for an unlimited  
8 period of time, which pertain to reports of “implant failures” concerning  
9 products which Plaintiff did not receive and which are not at issue in this case.  
10 Subject to, and without waiver of, the foregoing objections, upon the entry of a  
11 stipulated confidentiality order, Wright Medical will produce responsive  
12 documents for fracture complaints of the modular neck component which  
13 Plaintiff received and is at issue in this case, including Plaintiff’s complaint file,  
14 which contain information responsive to this Request as it pertains to Plaintiff  
15 and the modular neck component she received.

16 REQUEST FOR PRODUCTION NO. 8:

17 All DOCUMENTS which RELATE TO any COMMUNICATIONS regarding  
18 implant failures, including but not limited to fracture and corrosion-related  
19 failures, of the PROFEMUR CoCr Neck.

20 RESPONSE TO REQUEST FOR PRODUCTION NO. 8:

21 The general objections above are incorporated by reference as though fully set  
22 forth herein. Wright Medical objects to this Request as overbroad and  
23 disproportionate to the needs of this case because it seeks documents concerning  
24 a failure mode (corrosion) and products that are not at issue in this case. Wright  
25 Medical further objects on grounds this Request seeks documents concerning  
26 other product failures involving different patients with different product  
27 configurations, treated by different physicians and surgeons, with differing  
28 medical conditions and circumstances, all of which have no relevance to the  
claims asserted by Plaintiff in this case. Wright Medical further objects that the  
term “implant failures” is vague, ambiguous and undefined within the context of  
this Request and could include instances having nothing to do with the  
allegations or theories at issue in this matter. Subject to, and without waiver of,  
the foregoing objections, upon the entry of a stipulated confidentiality order,  
Wright Medical will produce responsive documents for fracture complaints of  
the modular neck component which Plaintiff received and is at issue in this case,  
including Plaintiffs complaint file, which contain information responsive to this  
Request as it pertains to Plaintiff and the modular neck component she received.

REQUEST FOR PRODUCTION NO. 10:

All promotional and marketing materials YOU drafted, approved, published, or  
distributed concerning the PROFEMUR DEVICE, including, but not limited to,  
drafts of such promotional and marketing materials.

RESPONSE TO REQUEST FOR PRODUCTION NO. 10:

KIESEL LAW LLP  
Attorneys at Law  
Beverly Hills, California

The general objections above are incorporated by reference as though fully set forth herein. Wright Medical objects to this Request on the grounds that it seeks information neither relevant to the subject matter of this litigation nor proportional to the needs of the case. Specifically, this Request seeks documents, for the lifespan of the PROFEMUR® product line, which extends over 30 years and includes products which Plaintiff did not receive and which are not at issue in this case. Moreover, Wright Medical objects on the grounds that this Request seeks documents which neither Plaintiff nor her treating physicians reviewed or relied upon. Subject to, and without waiver of, the foregoing objections, Wright Medical will produce marketing materials for the modular neck component which Plaintiff received and is at issue in this case.

REQUEST FOR PRODUCTION NO. 12:

All DOCUMENTS which RELATE TO PATIENT or physician complaints reported to YOU or MICROPORT concerning the PROFEMUR DEVICE.

RESPONSE TO REQUEST FOR PRODUCTION NO. 12:

The general objections above are incorporated by reference as though fully set forth herein. Wright Medical objects on grounds this Request seeks documents concerning a third party over whom Wright Medical has no control. Wright Medical further objects on the grounds that this Request seeks information neither relevant to the subject matter of this litigation nor proportional to the needs of the case because it seeks documents, for an unlimited period of time, which pertain to “PATIENT or physician complaints” concerning products which Plaintiff did not receive and which are not at issue in this case. Moreover, this Request seeks documents concerning other product complaints concerning different patients with different product configurations, treated by different physicians and surgeons, with differing medical conditions and circumstances, all of which have no relevance to the claims asserted by Plaintiff in this case. Subject to, and without waiver of, the foregoing objections, upon the entry of a stipulated confidentiality order, Wright Medical will produce responsive documents for fracture complaints of the modular neck component which Plaintiff received and is at issue in this case, including Plaintiffs complaint file, which contain information responsive to this Request as it pertains to Plaintiff and the modular neck component she received.

REQUEST FOR PRODUCTION NO. 14:

All DOCUMENTS which RELATE TO reports of adverse events or implant failures concerning the PROFEMUR DEVICE.

RESPONSE TO REQUEST FOR PRODUCTION NO. 14:

The general objections above are incorporated by reference as though fully set forth herein. Wright Medical objects to this Request on the grounds that it seeks information neither relevant to the subject matter of this litigation nor proportional to the needs of the case because it seeks documents, for an unlimited period of time, which pertain to “reports of adverse events or implant failures” concerning products which Plaintiff did not receive and which are not

KIESEL LAW LLP  
Attorneys at Law  
Beverly Hills, California

at issue in this case. Moreover, this Request seeks documents concerning other adverse events and/or implant failures concerning different patients with different product configurations, treated by different physicians and surgeons, with differing medical conditions and circumstances, all of which have no relevance to the claims asserted by Plaintiff in this case. Wright Medical further objects that the terms “adverse events” and “implant failures” are vague, ambiguous and undefined within the context of this Request and could include instances having nothing to do with the allegations or theories at issue in this matter. Subject to, and without waiver of, the foregoing objections, upon the entry of a stipulated confidentiality order, Wright Medical will produce responsive documents for fracture complaints of the modular neck component which Plaintiff received and is at issue in this case, including Plaintiffs complaint file, which contain information responsive to this Request as it pertains to Plaintiff and the modular neck component she received.

REQUEST FOR PRODUCTION NO. 15:

All product labels, package inserts, or Instructions for Use (“IFU”) that YOU drafted, approved, published or distributed concerning the PROFEMUR DEVICE and the IMPLANT COMPONENTS.

RESPONSE TO REQUEST FOR PRODUCTION NO. 15:

The general objections above are incorporated by reference as though fully set forth herein. Wright Medical objects to this Request on the grounds that it seeks information neither relevant to the subject matter of this litigation nor proportional to the needs of the case. Specifically, this Request seeks documents, for an unlimited period of time, concerning products which Plaintiff did not receive and which are not at issue in this case. Moreover, this Request is overbroad as it seeks versions and variations of labels and documents not received or reviewed by Plaintiffs surgeon. Subject to, and without waiver of, the foregoing objections, Wright Medical responds that it will produce the IFUs accompanying the components which Plaintiff received.

REQUEST FOR PRODUCTION NO. 16:

All DOCUMENTS sufficient to show the warnings YOU provided to PATIENTS or their implanting surgeons concerning the risks of the PROFEMUR DEVICE with the CoCr NECK.

RESPONSE TO REQUEST FOR PRODUCTION NO. 16:

The general objections above are incorporated by reference as though fully set forth herein. Wright Medical objects to this Request on the grounds that it seeks information neither relevant to the subject matter of this litigation nor proportional to the needs of the case. Specifically, this Request seeks documents, for an unlimited period of time, concerning products which Plaintiff did not receive and which are not at issue in this case. Moreover, this Request seeks documents concerning different patients, product configurations, and surgeons which have no relevance to this matter. Subject to, and without waiver of, the foregoing objections, Wright Medical responds that it will produce the



KIESEL LAW LLP  
Attorneys at Law  
Beverly Hills, California

IFUs which accompanied the products Plaintiff received, and marketing materials applicable to the modular neck component received by Plaintiff.

REQUEST FOR PRODUCTION NO. 17:

All DOCUMENTS concerning testing or studies YOU conducted RELATING TO the PROFEMUR DEVICE with the CoCr NECK.

RESPONSE TO REQUEST FOR PRODUCTION NO. 17:

The general objections above are incorporated by reference as though fully set forth herein. Wright Medical objects to this Request on the grounds that it seeks documents, for an unlimited period of time, concerning products which Plaintiff did not receive and which are not at issue in this case, and are therefore not relevant or proportionate to the needs of this case. Subject to, and without waiver of, the foregoing objections, upon the entry of a stipulated confidentiality order, Wright Medical responds that it will produce the device development file and testing reports for the modular neck component which Plaintiff received and is at issue in this case.

REQUEST FOR PRODUCTION NO. 21:

All claims summary databases or spreadsheets, which track or reflect failures or complaints regarding the PROFEMUR DEVICE, including, but not limited to, any claims database or spreadsheet that identifies complaints regarding the PROFEMUR DEVICE by the following categories: incident number; date; product ID; product; lot number; incident description; and investigation summary.

RESPONSE TO REQUEST FOR PRODUCTION NO. 21:

The general objections above are incorporated by reference as though fully set forth herein. Wright Medical objects to this Request on the grounds that it seeks information neither relevant to the subject matter of this litigation nor proportional to the needs of the case because it seeks documents, for an unlimited period of time, concerning a failure mode (corrosion) and products which Plaintiff did not receive and which are not at issue in this case. Moreover, this Request seeks documents concerning other product failures and complaints concerning different patients, treated by different physicians and surgeons, with unique component configurations and differing medical conditions and circumstances, all of which have no relevance to the claims asserted by Plaintiff in this case. Subject to, and without waiver of, the foregoing objections, upon the entry of a stipulated confidentiality order, Wright Medical responds that it will produce responsive documents for fracture complaints of the modular neck component which Plaintiff received and is at issue in this case.

REQUEST FOR PRODUCTION NO. 22:

All claims summary databases or spreadsheets, which track or reflect failures, fractures, or complaints regarding the PROFEMUR DEVICE, including, but not limited to, any claims database or spreadsheets prepared, developed, and/or maintained by Rich Obert.

KIESEL LAW LLP  
Attorneys at Law  
Beverly Hills, California

RESPONSE TO REQUEST FOR PRODUCTION NO. 22:

The general objections above are incorporated by reference as though fully set forth herein. Wright Medical objects to this Request on the grounds that it seeks information neither relevant to the subject matter of this litigation nor proportional to the needs of the case because it seeks documents, for an unlimited period of time, concerning a failure mode (corrosion) and products which Plaintiff did not receive and which are not at issue in this case. Moreover, this Request seeks documents concerning other product failures and complaints concerning different patients, treated by different physicians and surgeons, with unique component configurations and differing medical conditions and circumstances, all of which have no relevance to the claims asserted by Plaintiff in this case. Subject to, and without waiver of, the foregoing objections, upon the entry of a stipulated confidentiality order, Wright Medical responds that it will produce responsive documents for fracture complaints of the modular neck component which Plaintiff received and is at issue in this case.

REQUEST FOR PRODUCTION NO. 24:

The design history file, design control file, or design dossier DOCUMENTS RELATING TO the design and development of the PROFEMUR NECKS manufactured, designed, and/or marketed by WRIGHT, Cremascoli, and/or MICROPORT.

RESPONSE TO REQUEST FOR PRODUCTION NO. 24:

The general objections above are incorporated by reference as though fully set forth herein. Wright Medical objects to this Request on grounds that it seeks documents which pertain to a third party over whom Wright Medical has no control. Wright Medical further objects to this Request on the grounds that it seeks information neither relevant to the subject matter of this litigation nor proportional to the needs of the case because it seeks documents, for an unlimited period of time, concerning products which Plaintiff did not receive and which are not at issue in this case. Subject to, and without waiver of, the foregoing objections, upon the entry of a stipulated confidentiality order, Wright Medical responds that it will produce the device development file for the modular neck component which Plaintiff received and is at issue in this case.

REQUEST FOR PRODUCTION NO. 25:

All DOCUMENTS, including but not limited to investigations, internal studies, reports, PowerPoint presentations, or other similar material, that address failure rate(s) of all modular neck systems, the demographics of such failures, and projections of the number, percentage, or rate of future failures.

RESPONSE TO REQUEST FOR PRODUCTION NO. 25:

The general objections above are incorporated by reference as though fully set forth herein. Wright Medical objects to this Request on the grounds that it seeks information neither relevant to the subject matter of this litigation nor proportional to the needs of the case because it seeks documents, for an



1 unlimited period of time, concerning products which Plaintiff did not receive and  
 2 which are not at issue in this case. Moreover, this Request seeks documents  
 3 concerning other product failures concerning different patients, treated by  
 4 different physicians and surgeons, with unique component configurations and  
 5 differing medical conditions and circumstances, all of which have no relevance  
 6 to the claims asserted by Plaintiff in this case. Wright Medical further objects to  
 7 the extent the Request seeks documents authored and maintained by a party over  
 8 whom Wright Medical has no control. Wright Medical further objects that the  
 9 terms “investigations, internal studies, reports, PowerPoint presentations, or  
 10 other similar material” and “all modular neck systems” are vague, ambiguous  
 11 and undefined within the context of this Request. Subject to, and without waiver  
 12 of, the foregoing objections, upon the entry of a stipulated confidentiality order,  
 13 Wright Medical responds that it will produce responsive documents for the  
 14 modular neck component which Plaintiff received and is at issue in this case,  
 15 including, but not limited to, the responsive post-market surveillance reports for  
 16 the modular neck component which Plaintiff received.

#### 17 REQUEST FOR PRODUCTION NO. 27:

18 All DOCUMENTS and supporting data which reflect the total number, by  
 19 model, of PROFEMUR CoCr NECKS distributed/sold/implanted worldwide on  
 20 an annual basis from 2009 to present.

#### 21 RESPONSE TO REQUEST FOR PRODUCTION NO. 27:

22 The general objections above are incorporated by reference as though fully set  
 23 forth herein. Wright Medical objects on the grounds that it no longer distributes  
 24 or sells the “PROFEMUR CoCr NECKS.” Wright Medical further objects to this  
 25 Request on the grounds that it seeks information neither relevant to the subject  
 26 matter of this litigation nor proportional to the needs of the case because it seeks  
 27 documents concerning products which Plaintiff did not receive and which are not  
 28 at issue in this case. Moreover, information concerning the number of “PRO  
 FEMUR CoCr NECKS” Wright Medical has “distributed/sold/implanted  
 worldwide” has no relevance to the product liability claims asserted by Plaintiff  
 in this case. Subject to, and without waiver of, the foregoing objections, upon the  
 entry of a stipulated confidentiality order, Wright Medical responds that it will  
 produce responsive documents for the modular neck component which Plaintiff  
 received and is at issue in this case.

#### 29 REQUEST FOR PRODUCTION NO. 29:

30 All DOCUMENTS and supporting data which reflect the total number, by  
 31 model, of PROFEMUR CoCr NECKS distributed/sold/implanted domestically in  
 32 the United States on an annual basis from 2009 to present.

#### 33 RESPONSE TO REQUEST FOR PRODUCTION NO. 29:

34 The general objections above are incorporated by reference as though fully set  
 35 forth herein. Wright Medical objects on the grounds that it no longer distributes  
 36 or sells the “PROFEMUR CoCr NECKS.” Wright Medical further objects to this  
 37 Request on the grounds that it seeks information neither relevant to the subject

KIESEL LAW LLP  
Attorneys at Law  
Beverly Hills, California

1 matter of this litigation nor proportional to the needs of the case because it seeks  
2 documents concerning products which Plaintiff did not receive and which are not  
3 at issue in this case. Moreover, information concerning the number of  
4 “PROFEMUR CoCr NECKS” Wright Medical has “distributed/sold/implanted  
5 domestically” has no relevance to the product liability claims asserted by  
6 Plaintiff in this case. Subject to, and without waiver of, the foregoing objections,  
upon the entry of a stipulated confidentiality order, Wright Medical responds that  
it will produce responsive documents for the modular neck component which  
Plaintiff received and is at issue in this case.

7 REQUEST FOR PRODUCTION NO. 30:

8 All data and DOCUMENTS which reflect the total number, by model, of  
9 PROFEMUR NECKS that have been reported to have failed due to corrosion in  
the United States on an annual basis from 2000 to present.

10 RESPONSE TO REQUEST FOR PRODUCTION NO. 30:

11 The general objections above are incorporated by reference as though fully set  
12 forth herein. Wright Medical objects on grounds that this Request seeks  
13 documents concerning a failure mode (corrosion) not at issue in this case. Wright  
14 Medical further objects to this Request on the grounds that it seeks information  
15 neither relevant to the subject matter of this litigation nor proportional to the  
16 needs of the case because it seeks documents concerning multiple products-some  
17 of which are comprised of different materials-which Plaintiff did not receive and  
18 which are not at issue in this case. Moreover, this Request seeks documents  
concerning other product failures concerning different patients, treated by  
different physicians and surgeons, with unique component configurations and  
differing medical conditions and circumstances, all of which have no relevance  
to the claims asserted by Plaintiff in this case. Wright Medical further objects to  
the extent the Request seeks documents authored and maintained by a party over  
whom Wright Medical has no control.

19 REQUEST FOR PRODUCTION NO. 33:

20 All data and DOCUMENTS which reflect the total number, by model, of CoCr  
21 NECKS which were reported to YOU, Cremascoli, or MICROPORT as  
fractured in the United States from 2009 to present.

22 RESPONSE TO REQUEST FOR PRODUCTION NO. 33:

23 The general objections above are incorporated by reference as though fully set  
24 forth herein. Wright Medical objects to the extent the Request seeks documents  
25 authored and maintained by a party over whom Wright Medical has no control.  
26 Wright Medical further objects to this Request on the grounds that it seeks  
27 information neither relevant to the subject matter of this litigation nor  
28 proportional to the needs of the case because it seeks documents concerning  
multiple products which Plaintiff did not receive and which are not at issue in  
this case. Moreover, this Request seeks documents concerning other product  
failures concerning different patients, treated by different physicians and  
surgeons, with unique component configurations and differing medical

KIESEL LAW LLP  
Attorneys at Law  
Beverly Hills, California

1 conditions and circumstances, all of which have no relevance to the claims  
2 asserted by Plaintiff in this case. Subject to, and without waiver of, the foregoing  
3 objections, upon the entry of a stipulated confidentiality order, Wright Medical  
4 responds that it will produce responsive documents for fracture complaints of the  
5 modular neck component which Plaintiff received and is at issue in this case.

6 REQUEST FOR PRODUCTION NO. 35:

7 All data and DOCUMENTS which reflect the total number, by model, of CoCr  
8 NECKS which were reported to YOU, Cremascoli, or MICROPORT as  
9 fractured worldwide from 2009 to present.

10 RESPONSE TO REQUEST FOR PRODUCTION NO. 35:

11 The general objections above are incorporated by reference as though fully set  
12 forth herein. Wright Medical objects to the extent the Request seeks documents  
13 authored and maintained by a party over whom Wright Medical has no control.  
14 Wright Medical further objects to this Request on the grounds that it seeks  
15 information neither relevant to the subject matter of this litigation nor  
16 proportional to the needs of the case because it seeks documents concerning  
17 multiple products which Plaintiff did not receive and which are not at issue in  
18 this case. Moreover, this Request seeks documents concerning other product  
19 failures concerning different patients, treated by different physicians and  
20 surgeons, with unique component configurations and differing medical  
21 conditions and circumstances, all of which have no relevance to the claims  
22 asserted by Plaintiff in this case. Subject to, and without waiver of, the foregoing  
23 objections, upon the entry of a stipulated confidentiality order, Wright Medical  
24 responds that it will produce responsive documents for fracture complaints of the  
25 modular neck component which Plaintiff received and is at issue in this case.

26 REQUEST FOR PRODUCTION NO. 37:

27 All DOCUMENTS which RELATE TO minutes of meetings, correspondence,  
28 emails, reports, directives, memos, cost analysis, cost-benefit analysis, design  
specifications, testing data or other DOCUMENTS RELATING TO WRIGHT'S  
consideration of any and all alternative designs, manufacturing methods, metal  
alloy types, or component composition to the PROFEMUR DEVICE.

RESPONSE TO REQUEST FOR PRODUCTION NO. 37:

The general objections above are incorporated by reference as though fully set  
forth herein. Wright Medical objects that the terms "minutes of meetings,  
correspondence, emails, reports, directives, memos, cost analysis, cost-benefit  
analysis, design specifications, testing data or other DOCUMENTS" are vague,  
ambiguous and undefined within the context of this Request. Wright Medical  
objects to this Request on the grounds that it seeks information neither relevant  
to the subject matter of this litigation nor proportional to the needs of the case  
because it seeks documents, for an unlimited period of time, concerning products  
which Plaintiff did not receive and which are not at issue in this case. Subject to,  
and without waiver of, the foregoing objections, upon the entry of a stipulated  
confidentiality order, Wright Medical responds that it will produce the device

KIESEL LAW LLP  
Attorneys at Law  
Beverly Hills, California

1 development file for the modular neck component which Plaintiff received and is  
2 at issue in this case.

3 REQUEST FOR PRODUCTION NO. 40:

4 All DOCUMENTS which RELATE TO COMMUNICATIONS between YOU  
5 and any implanting surgeon user discussing concerns related to corrosion and  
6 failure of the PROFEMUR DEVICE from 2000 to present.

7 RESPONSE TO REQUEST FOR PRODUCTION NO. 40:

8 The general objections above are incorporated by reference as though fully set  
9 forth herein. Wright Medical objects on grounds that this Request seeks  
10 documents concerning a failure mode (corrosion) not at issue in this case, which  
11 therefore have no relevance to the claims asserted by Plaintiff. Wright Medical  
12 further objects to this Request on the grounds it is vastly overbroad and unduly  
13 burdensome in that it seeks any and all communications, regardless of source, for  
14 information neither relevant to the subject matter of this litigation nor  
15 proportional to the needs of the case because it seeks documents concerning  
16 products-some of which are comprised of a different material-which Plaintiff did  
17 not receive and which are not at issue in this case. Moreover, this Request seeks  
18 communications concerning other product failures concerning different patients,  
19 treated by different physicians and surgeons, with unique component  
20 configurations and differing medical conditions and circumstances, all of which  
21 have no relevance to the claims asserted by Plaintiff in this case. Wright Medical  
22 further objects to the extent the Request seeks documents authored and  
23 maintained by a party over whom Wright Medical has no control. Subject to, and  
24 without waiver of, the foregoing objections, upon the entry of a stipulated  
25 confidentiality order, Wright Medical responds that it will produce responsive  
26 documents for fracture complaints of the modular neck component which  
27 Plaintiff received and is at issue in this case, including Plaintiffs complaint file,  
28 which contain information responsive to this Request as it pertains to Plaintiff  
and the modular neck component she received.

20 REQUEST FOR PRODUCTION NO. 41:

21 All DOCUMENTS which RELATE TO COMMUNICATIONS between YOU  
22 and any PERSON or entity, including but not limited to the FDA or  
MICROPORT, concerning complaints about fractured CoCr NECK fracture  
components from 2009 to present.

23 RESPONSE TO REQUEST FOR PRODUCTION NO. 41:

24 The general objections above are incorporated by reference as though fully set  
25 forth herein. Wright Medical objects to this Request on the grounds it is vastly  
26 overbroad and unduly burdensome in that it seeks any and all communications,  
27 regardless of source, for information neither relevant to the subject matter of this  
28 litigation nor proportional to the needs of the case because it seeks documents  
concerning products which Plaintiff did not receive and which are not at issue in  
this case. Moreover, this Request seeks communications concerning other  
product failures concerning different patients, treated by different physicians and

KIESEL LAW LLP  
Attorneys at Law  
Beverly Hills, California

1 surgeons, with unique component configurations and differing medical  
2 conditions and circumstances, all of which have no relevance to the claims  
3 asserted by Plaintiff in this case. Wright Medical further objects to the extent the  
4 Request seeks documents authored and maintained by a party over whom Wright  
5 Medical has no control. Subject to, and without waiver of, the foregoing  
6 objections, upon the entry of a stipulated confidentiality order, Wright Medical  
7 responds that it will produce responsive documents for fracture complaints of the  
8 modular neck component which Plaintiff received and is at issue in this case,  
9 including Plaintiffs complaint file, which contain information responsive to this  
10 Request as it pertains to Plaintiff and the modular neck component she received.

11 REQUEST FOR PRODUCTION NO. 42:

12 All DOCUMENTS which RELATE TO COMMUNICATIONS concerning post-  
13 market surveillance of the PROFEMUR DEVICE from 2000 to present.

14 RESPONSE TO REQUEST FOR PRODUCTION NO. 42:

15 The general objections above are incorporated by reference as though fully set  
16 forth herein. Wright Medical objects to the extent the Request seeks documents  
17 authored and maintained by a party over whom Wright Medical has no control.  
18 Wright Medical further objects to this Request on the grounds that it seeks  
19 information neither relevant to the subject matter of this litigation nor  
20 proportional to the needs of the case because it seeks documents concerning  
21 products – some of which are comprised of a different material – which Plaintiff  
22 did not receive and which are not at issue in this case. Subject to, and without  
23 waiver of, the foregoing objections, upon the entry of a stipulated confidentiality  
24 order, Wright Medical responds that it will produce the post-market surveillance  
25 reports for the modular neck component which Plaintiff received and is at issue  
26 in this case.

27 REQUEST FOR PRODUCTION NO. 43:

28 Medical literature, papers, podium presentations, poster presentations, research,  
texts, treatises, or other similar DOCUMENTS, regardless of whether published  
or peer reviewed, received or generated by or on YOUR behalf from January 1,  
2000 to the present, RELATING TO the integrity, wear-rate, micromotion,  
corroding, fretting, or fracturing of PROFEMUR Ti6A14V MODULAR  
NECKS, regardless of the exact language used, and regardless of whether it  
specifically addresses a WRIGHT or MICROPORT device.

RESPONSE TO REQUEST FOR PRODUCTION NO. 43:

The general objections above are incorporated by reference as though fully set  
forth herein. Wright Medical objects to this Request on the grounds that it seeks  
information neither relevant to the subject matter of this litigation nor  
proportional to the needs of the case because it seeks documents, pre-dating by  
nearly a decade the launch of the modular neck component at issue here,  
concerning a failure mode ( corrosion) and products comprised of a different  
material which Plaintiff did not receive and which are not at issue in this case,  
and products which were not even designed, developed, manufactured, or sold



KIESEL LAW LLP  
Attorneys at Law  
Beverly Hills, California

1 by Wright Medical. Wright Medical further objects to the extent the Request  
2 seeks documents authored and maintained by a party over whom Wright Medical  
3 has no control. Subject to, and without waiver of, the foregoing objections, upon  
4 the entry of a stipulated confidentiality order, Wright Medical responds that it  
5 will produce the device development file and post-market surveillance reports  
6 for the modular neck component which Plaintiff received and is at issue in this  
7 case.

8 REQUEST FOR PRODUCTION NO. 44:

9 Medical literature, papers, podium presentations, poster presentations, research,  
10 texts, treatises, or other similar DOCUMENTS, regardless of whether published  
11 or peer reviewed, received or generated by or on YOUR behalf RELATING TO  
12 the integrity, wear-rate, micromotion, corroding, fretting, or fracturing of  
13 PROFEMUR CoCr MODULAR NECKS, regardless of the exact language used,  
14 and regardless of whether it specifically addresses a WRIGHT or MICROPORT  
15 device.

16 RESPONSE TO REQUEST FOR PRODUCTION NO. 44:

17 The general objections above are incorporated by reference as though fully set  
18 forth herein. Wright Medical objects to this Request on the grounds that it seeks  
19 information neither relevant to the subject matter of this litigation nor  
20 proportional to the needs of the case because it seeks documents concerning a  
21 failure mode (corrosion) and products which Plaintiff did not receive and which  
22 are not at issue in this case, and products which were not even designed,  
23 developed, manufactured, or sold by Wright Medical. Wright Medical further  
24 objects to the extent the Request seeks documents authored and maintained by a  
25 party over whom Wright Medical has no control. Subject to, and without waiver  
26 of, the foregoing objections, upon the entry of a stipulated confidentiality order,  
27 Wright Medical responds that it will produce the device development file and  
28 post-market surveillance reports for the modular neck component which Plaintiff  
received and is at issue in this case.

REQUEST FOR PRODUCTION NO. 45:

All DOCUMENTS which RELATE TO COMMUNICATIONS between YOU  
and any surgeon RELATING TO or discussing in any way the integrity, wear-  
rate, micromotion, fretting, fretting corrosion, fracture or breakage of the  
PROFEMUR Ti6A14V MODULAR NECKS, regardless of whether that  
communication involved the personal experience of the surgeon with a patient.

RESPONSE TO REQUEST FOR PRODUCTION NO. 45:

The general objections above are incorporated by reference as though fully set  
forth herein. Wright Medical objects to this Request on the grounds that it seeks  
information neither relevant to the subject matter of this litigation nor  
proportional to the needs of the case because it seeks documents, for an  
unlimited period of time, concerning a failure mode (corrosion) and numerous  
hip implant components comprised of a different material which Plaintiff did not  
receive and which are not at issue in this case. Moreover, this Request seeks



KIESEL LAW LLP  
Attorneys at Law  
Beverly Hills, California

1 communications concerning other patients, surgeons and product failures, all of  
2 which have no relevance to the claims asserted by Plaintiff in this case. Subject  
3 to, and without waiver of, the foregoing objections, upon the entry of a stipulated  
4 confidentiality order, Wright Medical will produce responsive documents for  
5 fracture complaints of the modular neck component which Plaintiff received and  
6 is at issue in this case, including Plaintiffs complaint file, which may contain  
7 information responsive to this Request as it pertains to Plaintiff and the modular  
8 neck component she received.

6 REQUEST FOR PRODUCTION NO. 46:

7 All DOCUMENTS which RELATE TO COMMUNICATIONS between YOU  
8 and any surgeon RELATING TO or discussing in any way the integrity, wear-  
9 rate, micromotion, fretting, fretting corrosion, fracture or breakage of the  
10 PROFEMUR CoCr MODULAR NECK component, regardless of whether that  
11 communication involved the personal experience of the surgeon with a patient.

10 RESPONSE TO REQUEST FOR PRODUCTION NO. 46:

11 The general objections above are incorporated by reference as though fully set  
12 forth herein. Wright Medical objects to this Request on the grounds that it seeks  
13 information neither relevant to the subject matter of this litigation nor  
14 proportional to the needs of the case because it seeks documents, for an  
15 unlimited period of time, concerning a failure mode (corrosion) and numerous  
16 hip implant components which Plaintiff did not receive and which are not at  
17 issue in this case. Moreover, this Request seeks communications concerning  
18 other patients, surgeons and product failures, all of which have no relevance to  
19 the claims asserted by Plaintiff in this case. Subject to, and without waiver of, the  
20 foregoing objections, upon the entry of a stipulated confidentiality order, Wright  
21 Medical will produce responsive documents for fracture complaints of the  
22 modular neck component which Plaintiff received and is at issue in this case,  
23 including Plaintiffs complaint file, which may contain information responsive to  
24 this Request as it pertains to Plaintiff and the modular neck component she  
25 received.

20 REQUEST FOR PRODUCTION NO. 49:

21 All published or presented material wherein a patient or recipient of a WRIGHT  
22 artificial hip with a TITANIUM or CoCr PROFEMUR MODULAR NECK  
23 speaks, promotes, or advocates on behalf of any WRIGHT artificial hip implant  
24 product, including, without limitation, any video footage of same.

24 RESPONSE TO REQUEST FOR PRODUCTION NO. 49:

25 The general objections above are incorporated by reference as though fully set  
26 forth herein. Wright Medical objects to this Request on grounds it seeks  
27 documents which neither Plaintiff nor her treating physicians reviewed or relied  
28 upon. Wright Medical further objects to this Request on the grounds that it seeks  
information neither relevant to the subject matter of this litigation nor  
proportional to the needs of the case because it seeks documents, for an  
unlimited period of time, concerning any and all hip products-some of which are

KIESEL LAW LLP  
Attorneys at Law  
Beverly Hills, California

1 comprised of a different material-which Plaintiff did not receive and which are  
2 not at issue in this case. Read literally, this Request seeks any and all materials,  
3 relating in any way to the promotion of over thirty hip implant components  
4 without any geographic or temporal limitations. Wright Medical further objects  
5 that the terms “published or presented material” are vague, ambiguous and  
6 undefined within the context of this Request. Subject to, and without waiver of,  
7 the foregoing objections, Wright Medical responds that it will produce marketing  
8 materials for the PRO FEMUR® modular neck component which Plaintiff  
9 received.

10 REQUEST FOR PRODUCTION NO. 52:

11 All COMMUNICATION, including but not limited to emails and letter  
12 correspondence, between YOU and Dr. Jason Snibbe regarding PROFEMUR  
13 MODULAR NECKS from 2000 to the present.

14 RESPONSE TO REQUEST FOR PRODUCTION NO. 52:

15 The general objections above are incorporated by reference as though fully set  
16 forth herein. Wright Medical objects to this Request on the grounds it seeks  
17 documents neither relevant to the subject matter of this litigation nor  
18 proportional to the needs of the case because it seeks documents concerning  
19 products-some of which are comprised of a different material-which Plaintiff did  
20 not receive and which are not at issue in this case. Moreover, this Request seeks  
21 communications concerning other product failures concerning different patients  
22 with unique component configurations and differing medical conditions and  
23 circumstances, all of which have no relevance to the claims asserted by Plaintiff  
24 in this case. Wright Medical further objects to the extent the Request seeks  
25 documents authored and maintained by a party over whom Wright Medical has  
26 no control. Subject to, and without waiver of, the foregoing objections, upon the  
27 entry of a stipulated confidentiality order, Wright Medical responds that it will  
28 produce responsive documents, including, but not limited to, correspondence  
with Dr. Snibbe regarding the modular neck component which Plaintiff received  
and is at issue in this case, and Plaintiffs complaint file, which contain  
information responsive to this Request as it pertains to Plaintiff and the modular  
neck component she received.

21 REQUEST FOR PRODUCTION NO. 55:

22 All DOCUMENTS in YOUR possession RELATING TO WRIGHT’S,  
23 Cremascoli’s, or MICROPORT’S failure mode analysis of the Ti6A14V NECK  
24 or CoCr NECK, including but not limited to any conclusions formulated or  
reached as a result of said investigation or analysis.

25 RESPONSE TO REQUEST FOR PRODUCTION NO. 55:

26 The general objections above are incorporated by reference as though fully set  
27 forth herein. Wright Medical objects to the extent the Request seeks documents  
28 authored and maintained by a party over whom Wright Medical has no control.  
Wright Medical further objects to this Request on the grounds that it seeks  
information neither relevant to the subject matter of this litigation nor

KIESEL LAW LLP  
Attorneys at Law  
Beverly Hills, California

1 proportional to the needs of the case because it seeks documents, for an  
2 unlimited period of time, concerning products – some of which are comprised of  
3 a different material – which Plaintiff did not receive and which are not at issue in  
4 this case. Wright Medical further objects that the term “failure mode analysis” is  
5 vague, ambiguous and undefined within the context of this Request. Subject to,  
6 and without waiver of, the foregoing objections, upon the entry of a stipulated  
7 confidentiality order, Wright Medical responds that it will produce the device  
8 development file and risk assessment and analysis forms for the PRO FEMUR®  
9 modular neck component at issue, which may include information responsive to  
10 this Request.

11 REQUEST FOR PRODUCTION NO. 56:

12 All DOCUMENTS in YOUR possession RELATING TO WRIGHT’S,  
13 Cremascoli’s, or MICROPORT’S failure mode analysis of the PROFEMUR  
14 DEVICE and/or its predecessor device, including but not limited to any  
15 conclusions formulated or reached as a result of said investigation or analysis.

16 RESPONSE TO REQUEST FOR PRODUCTION NO. 56:

17 The general objections above are incorporated by reference as though fully set  
18 forth herein. Wright Medical objects to the extent the Request seeks documents  
19 authored and maintained by a party over whom Wright Medical has no control.  
20 Wright Medical further objects to this Request on the grounds that it seeks  
21 information neither relevant to the subject matter of this litigation nor  
22 proportional to the needs of the case because it seeks documents, for an  
23 unlimited period of time, concerning products – some of which are comprised of  
24 a different material – which Plaintiff did not receive and which are not at issue in  
25 this case. Wright Medical further objects that the terms “failure mode analysis”  
26 and “predecessor device” are vague, ambiguous and undefined within the context  
27 of this Request. Subject to, and without waiver of, the foregoing objections, upon  
28 the entry of a stipulated confidentiality order, Wright Medical responds that it  
will produce the device development file and risk assessment and analysis forms  
for the PROFEMUR® modular neck component at issue, which may include  
information responsive to this Request.

21 REQUEST FOR PRODUCTION NO. 58:

22 Produce a copy of all DOCUMENTS provided to YOUR employees and  
23 marketing, distribution, and sales personnel, on how to educate, inform, and  
24 notify surgeons and other users or purchasers of the PROFEMUR DEVICE,  
25 including but not limited to technical monographs, surgical technique guides,  
26 frequently asked questions brochures, and other DOCUMENTS that reflect,  
27 address, discuss or reference regulatory issues, concerns, problems or  
28 requirements related to PROFEMUR DEVICE.

26 RESPONSE TO REQUEST FOR PRODUCTION NO. 58:

27 The general objections above are incorporated by reference as though fully set  
28 forth herein. Wright Medical objects to this Request on the grounds that it seeks  
information neither relevant to the subject matter of this litigation nor

KIESEL LAW LLP  
Attorneys at Law  
Beverly Hills, California

1 proportional to the needs of the case because it seeks documents, for an  
2 unlimited period of time, concerning products-some of which are comprised of a  
3 different material-which Plaintiff did not receive and which are not at issue in  
4 this case. Wright Medical further objects that the terms “other users or  
5 purchasers” and “regulatory issues, concerns, problems or requirements” are  
6 vague, ambiguous and undefined within the context of this Request. Subject to,  
and without waiver of, the foregoing objections, Wright Medical responds that it  
will produce the IFUs, surgical technique, technical monographs, and other  
marketing materials for the PRO FEMUR® neck component at issue in this case.

7 REQUEST FOR PRODUCTION NO. 63:

8 Produce any DOCUMENTS where WRIGHT compares any aspects, properties,  
9 performance, characteristic, or safety of the CoCr NECK to any other  
PROFEMUR DEVICE, including those manufactured using a titanium  
(Ti6Al4V) alloy.

10 RESPONSE TO REQUEST FOR PRODUCTION NO. 63:

11 The general objections above are incorporated by reference as though fully set  
12 forth herein. Wright Medical objects to this Request on the grounds that it seeks  
13 information neither relevant to the subject matter of this litigation nor  
14 proportional to the needs of the case because it seeks documents, for an  
15 unlimited period of time, concerning products-some of which are comprised of a  
16 different material – which Plaintiff did not receive and which are not at issue in  
17 this case. Wright Medical further objects that the terms “aspects, properties,  
18 performance, characteristic, or safety” are vague, ambiguous and undefined  
19 within the context of this Request. Subject to, and without waiver of, the  
20 foregoing objections, upon the entry of a stipulated confidentiality order, Wright  
21 Medical responds that it will produce the device development file, testing and  
22 engineering reports, and post-market surveillance reports for the PRO FEMUR®  
23 modular neck component which Plaintiff received, which may contain  
24 information responsive to this Request.

25 **2. Defendant MicroPort Orthopedics, Inc.**

26 REQUEST FOR PRODUCTION NO. 1:

27 All DOCUMENTS which RELATE TO COMMUNICATIONS YOU sent to or  
28 received from the U.S. Food and Drug Administration (“FDA”) concerning the  
PROFEMUR DEVICE with the CoCr NECK, including but not limited to the  
FDA regulatory file and any supplementation, addition, amendment to same.

RESPONSE TO REQUEST FOR PRODUCTION NO. 1:

The general objections above are incorporated by reference as though fully set  
forth herein. MicroPort objects to this Request on the grounds that it seeks  
information neither relevant to the subject matter of this litigation nor  
proportional to the needs of the case. Specifically, this Request seeks documents,  
for an unlimited period of time, which pertain to products which Plaintiff did not

KIESEL LAW LLP  
Attorneys at Law  
Beverly Hills, California

1 receive and which are not at issue in this case. MicroPort further objects to the  
2 extent that the Request calls for documents that are publicly available, equally  
3 available from another party, and/or are outside MicroPort's possession, custody  
4 or control. Subject to, and without waiver of, the foregoing objections, upon the  
5 entry of a stipulated confidentiality order, MicroPort responds that it will  
6 produce responsive, non-privileged communications in its custody or control  
with the FDA concerning the specific device implanted in Plaintiff, and  
generally concerning the PROFEMUR® CoCr modular neck, model PHAC-  
1254, if any.

7 REQUEST FOR PRODUCTION NO. 2:

8 All DOCUMENTS which RELATE TO COMMUNICATIONS YOU sent to or  
9 received from the FDA concerning the PROFEMUR DEVICE with the  
Ti6A14V NECK, including but not limited to the FDA regulatory file and any  
supplementation, addition, amendment to same.

10 RESPONSE TO REQUEST FOR PRODUCTION NO. 2:

11 The general objections above are incorporated by reference as though fully set  
12 forth herein. MicroPort objects to this Request on the grounds that it seeks  
13 information neither relevant to the subject matter of this litigation nor  
14 proportional to the needs of the case. Specifically, this Request seeks documents,  
15 for an unlimited period of time, which pertain to products which Plaintiff did not  
16 receive, are comprised of a different material, and which are not at issue in this  
17 case. Subject to, and without waiver of, the foregoing objections, upon the entry  
of a stipulated confidentiality order, MicroPort responds that it will produce  
responsive, non-privileged communications in its custody or control with the  
FDA concerning the specific device implanted in Plaintiff, and generally  
concerning the PROFEMUR® CoCr modular neck, model PHAC-1254, if any.

18 REQUEST FOR PRODUCTION NO. 3:

19 All DOCUMENTS which RELATE TO any meetings YOU had with the FDA  
20 RELATING to the PROFEMUR DEVICE with the CoCr NECK, including but  
not limited to the FDA regulatory file and any supplementation, addition,  
amendment to same.

21 RESPONSE TO REQUEST FOR PRODUCTION NO. 3:

22 The general objections above are incorporated by reference as though fully set  
23 forth herein. MicroPort objects to this Request on the grounds that it seeks  
24 information neither relevant to the subject matter of this litigation nor  
25 proportional to the needs of the case. Specifically, this Request seeks documents,  
26 for an unlimited period of time, relating to any and all communications  
27 regardless of the substance, which pertain to products which Plaintiff did not  
28 receive and which are not at issue in this case. Read literally this Request seeks  
any and all documents related to the FDA, having any arguable connection to the  
products at issue in this case, regardless as to whether the communication has  
anything to do with the allegations and theories of defect pled in the Complaint.  
MicroPort further objects to the extent that the Request calls for documents that



KIESEL LAW LLP  
Attorneys at Law  
Beverly Hills, California

1 are publicly available, equally available from another party, and/or are outside  
2 MicroPort's possession, custody or control. Subject to, and without waiver of,  
3 the foregoing objections, upon the entry of a stipulated confidentiality order,  
4 MicroPort responds that it will produce responsive, non-privileged documents in  
5 its custody or control sufficient to show the substance of meetings with the FDA  
6 concerning the specific device implanted in Plaintiff, and generally concerning  
7 the PROFEMUR® CoCr modular neck, model PHAC-1254, if any.

8  
9 REQUEST FOR PRODUCTION NO. 4:

10 All DOCUMENTS which RELATE TO any meetings YOU had with the FDA  
11 RELATING to the PROFEMUR DEVICE with the Ti6A14V NECK, including  
12 but not limited to the FDA regulatory file and any supplementation, addition,  
13 amendment to same.

14 RESPONSE TO REQUEST FOR PRODUCTION NO. 4:

15 The general objections above are incorporated by reference as though fully  
16 set forth herein. MicroPort objects to this Request on the grounds that it seeks  
17 information neither relevant to the subject matter of this litigation nor  
18 proportional to the needs of the case. Specifically, this Request seeks documents,  
19 for an unlimited period of time, which pertain to products comprised of a  
20 different material which Plaintiff did not receive and which are not at issue in  
21 this case. Read literally, this Request seeks any and all documents related to the  
22 FDA, having any arguable connection to products not even received by Plaintiff,  
23 regardless as to whether the communication has anything to do with the  
24 allegations and theories of defect pled in the Complaint. Subject to, and without  
25 waiver of, the foregoing objections, upon the entry of a stipulated confidentiality  
26 order, MicroPort responds that it will produce responsive, non-privileged  
27 documents in its custody or control sufficient to show the substance of meetings  
28 with the FDA concerning the specific device implanted in Plaintiff, and  
generally concerning the PROFEMUR® CoCr modular neck, model PHAC-1254, if any.

REQUEST FOR PRODUCTION NO. 5:

All DOCUMENTS which RELATE TO any COMMUNICATIONS between  
YOU and any entity, including but not limited to the FDA or WRIGHT from  
2009 to present concerning a potential or actual recall of the CoCr NECK,  
including, but not limited to, minutes of meetings in which a recall was  
discussed.

RESPONSE TO REQUEST FOR PRODUCTION NO. 5:

The general objections above are incorporated by reference as though fully set  
forth herein. MicroPort objects to the extent that the Request calls for documents  
that are publicly available, equally available from another party, and/ or are  
outside MicroPort's possession, custody or control. MicroPort further objects to  
this Request on the grounds that it seeks information neither relevant to the  
subject matter of this litigation nor proportional to the needs of the case because  
it seeks documents, for an unlimited period of time, which pertain to products



KIESEL LAW LLP  
Attorneys at Law  
Beverly Hills, California

1 which Plaintiff did not receive and which are not at issue in this case. Subject to,  
2 and without waiver of, the foregoing objections, upon the entry of a stipulated  
3 confidentiality order, MicroPort responds that it will produce responsive, non-  
4 privileged documents in its custody or control MICROPORT ORTHOPEDICS,  
5 INC.'S OBJECTIONS AND RESPONSES TO PLAINTIFF CATHERINE  
6 PRATER'S REQUESTS FOR PRODUCTION OF DOCUMENTS AND  
7 THINGS (SET ONE) sufficient to show MicroPort's decision to recall the  
8 PROFEMUR® CoCr modular neck, model PHAC-1254, if any.

6 REQUEST FOR PRODUCTION NO. 6:

7 All DOCUMENTS which RELATE TO COMMUNICATIONS between YOU  
8 and any entity, including but not limited to the FDA or WRIGHT from 2000 to  
9 the present concerning a potential recall of the Ti6A14V NECK, including, but  
10 not limited to, minutes of meetings in which a potential recall was discussed.

10 RESPONSE TO REQUEST FOR PRODUCTION NO. 6:

11 The general objections above are incorporated by reference as though fully set  
12 forth herein. MicroPort objects to this Request on the grounds that it seeks  
13 information neither relevant to the subject matter of this litigation nor  
14 proportional to the needs of the case. Specifically, this Request seeks documents,  
15 for an unlimited period of time, which pertain to products comprised of a  
16 different material which Plaintiff did not receive and which are not at issue in  
17 this case. MicroPort further objects to the extent that the Request calls for  
18 documents that are publicly available, equally available from another party,  
19 and/or are outside MicroPort's possession, custody or control. Subject to, and  
20 without waiver of, the foregoing objections, upon the entry of a stipulated  
21 confidentiality order, MicroPort responds that it will produce responsive, non-  
22 privileged documents in its custody or control sufficient to show MicroPort's  
23 decision to recall the PROFEMUR® CoCr modular neck, model PHAC-1254, if  
24 any.

20 REQUEST FOR PRODUCTION NO. 7:

21 All DOCUMENTS which RELATE TO reports of implant failures RELATING  
22 TO the PROFEMUR DEVICE with the CoCr NECK.

22 RESPONSE TO REQUEST FOR PRODUCTION NO. 7:

23 The general objections above are incorporated by reference as though fully  
24 set forth herein. MicroPort objects to this Request as overbroad and  
25 disproportionate to the needs of this case because it seeks documents concerning  
26 other product failures involving different patients with different product  
27 configurations, treated by different physicians and surgeons, with differing  
28 medical conditions and circumstances, all of which have no relevance to the  
claims asserted by Plaintiff in this case. MicroPort further objects that the term  
"implant failures" is vague, ambiguous and undefined within the context of this  
Request and could include instances having nothing to do with the allegations or  
theories at issue in this matter. MicroPort further objects to this Request to the

KIESEL LAW LLP  
Attorneys at Law  
Beverly Hills, California

1 extent it seeks information and documents, for an unlimited period of time,  
2 which pertain to reports of “implant failures” concerning products which  
3 Plaintiff did not receive and which are not at issue in this case. MicroPort further  
4 objects to the extent that the Request calls for documents that are publicly  
5 available, equally available from another party, and/or are outside MicroPort’s  
6 possession, custody or control. Subject to, and without waiver of, the foregoing  
7 objections, upon the entry of a stipulated confidentiality order, MicroPort  
8 responds that it will produce responsive documents for fracture complaints of the  
9 modular neck component which Plaintiff received and is at issue in this case,  
10 including Plaintiffs complaint file, which contain information responsive to this  
11 Request as it pertains to Plaintiff and the modular neck component she received.

12 REQUEST FOR PRODUCTION NO. 8:

13 Any DOCUMENTS which RELATE TO written communication regarding  
14 implant failures, including but not limited to fracture and corrosion-related  
15 failures, of the PROFEMUR CoCr Neck.

16 RESPONSE TO REQUEST FOR PRODUCTION NO. 8:

17 The general objections above are incorporated by reference as though fully  
18 set forth herein. MicroPort objects to this Request as overbroad and  
19 disproportionate to the needs of this case because it seeks documents concerning  
20 a failure mode (corrosion) and products that are not at issue in this case.  
21 MicroPort further objects on grounds this Request seeks documents concerning  
22 other product failures involving different patients with different product  
23 configurations, treated by different physicians and surgeons, with differing  
24 medical conditions and circumstances, all of which have no relevance to the  
25 claims asserted by Plaintiff in this case. MicroPort further objects that the term  
26 “implant failures” is vague, ambiguous and undefined within the context of this  
27 Request and could include instances having nothing to do with the allegations or  
28 theories at issue in this matter. MicroPort further objects to the extent that the  
Request calls for documents that are publicly available, equally available from  
another party, and/or are outside MicroPort’s possession, custody or control.  
Subject to, and without waiver of, the foregoing objections, upon the entry of a  
stipulated confidentiality order, MicroPort responds that it will produce  
responsive documents for fracture complaints of the modular neck component  
which Plaintiff received and is at issue in this case, including Plaintiff’s  
complaint file, which contain information responsive to this Request as it  
pertains to Plaintiff and the modular neck component she received.

24 REQUEST FOR PRODUCTION NO. 10:

25 All promotional and marketing materials YOU drafted, approved, published, or  
26 distributed concerning the PROFEMUR DEVICE, including, but not limited to,  
27 drafts of such promotional and marketing materials.

28 RESPONSE TO REQUEST FOR PRODUCTION NO. 10:

The general objections above are incorporated by reference as though fully set  
forth herein. MicroPort objects to this Request on the grounds that it seeks

KIESEL LAW LLP  
Attorneys at Law  
Beverly Hills, California

1 information neither relevant to the subject matter of this litigation nor  
2 proportional to the needs of the case. Specifically, this Request seeks documents,  
3 for the lifespan of the PROFEMUR® product line, which extends over 30 years  
4 and includes products which Plaintiff did not receive and which are not at issue  
5 in this case. Moreover, MicroPort objects on the grounds that this Request seeks  
6 documents which neither Plaintiff nor her treating physicians reviewed or relied  
7 upon. MicroPort further objects to the extent that the Request calls for  
8 documents that are publicly available, equally available from another party,  
and/or are outside MicroPort's possession, custody or control. Subject to, and  
without waiver of, the foregoing objections, MicroPort responds that it will  
produce responsive, non-privileged documents in its custody or control  
demonstrating marketing of the PROFEMUR® CoCr modular neck, model  
PHAC-1254, if any.

9 REQUEST FOR PRODUCTION NO. 12:

10 All DOCUMENTS which RELATE TO PATIENT or physician complaints  
11 reported to YOU or WRIGHT concerning the PROFEMUR DEVICE.

12 RESPONSE TO REQUEST FOR PRODUCTION NO. 12:

13 The general objections above are incorporated by reference as though fully set  
14 forth herein. MicroPort objects to the extent that the Request calls for documents  
15 that are publicly available, equally available from another party, and/or are  
16 outside MicroPort's possession, custody or control. MicroPort further objects to  
17 this Request on the grounds that it seeks information neither relevant to the  
18 subject matter of this litigation nor proportional to the needs of the case because  
19 it seeks documents, for an unlimited period of time, which pertain to "PATIENT  
20 or physician complaints" concerning products which Plaintiff did not receive and  
21 which are not at issue in this case. Moreover, this Request seeks documents  
22 concerning other product complaints concerning different patients with different  
23 product configurations, treated by different physicians and surgeons, with  
differing medical conditions and circumstances, all of which have no relevance  
to the claims asserted by Plaintiff in this case. Subject to, and without waiver of,  
the foregoing objections, upon the entry of a stipulated confidentiality order,  
MicroPort responds that it will produce responsive documents for fracture  
complaints of the modular neck component which Plaintiff received and is at  
issue in this case, including Plaintiffs complaint file, which contain information  
responsive to this Request as it pertains to Plaintiff and the modular neck  
component she received.

24 REQUEST FOR PRODUCTION NO. 14:

25 All DOCUMENTS which RELATE TO reports of adverse events or implant  
failures concerning the PROFEMUR DEVICE.

26 RESPONSE TO REQUEST FOR PRODUCTION NO. 14:

27 The general objections above are incorporated by reference as though fully set  
28 forth herein. MicroPort objects to this Request on the grounds that it seeks  
information neither relevant to the subject matter of this litigation nor

KIESEL LAW LLP  
Attorneys at Law  
Beverly Hills, California

1 proportional to the needs of the case because it seeks documents, for an  
2 unlimited period of time, which pertain to “reports of adverse events or implant  
3 failures” concerning products which Plaintiff did not receive and which are not  
4 at issue in this case. Moreover, this Request seeks documents concerning other  
5 adverse events and/or implant failures concerning different patients with  
6 different product configurations, treated by different physicians and surgeons,  
7 with differing medical conditions and circumstances, all of which have no  
8 relevance to the claims asserted by Plaintiff in this case. MicroPort further  
9 objects that the terms “adverse events” and “implant failures” are vague,  
10 ambiguous and undefined within the context of this Request and could include  
11 instances having nothing to do with the allegations or theories at issue in this  
12 matter. Subject to, and without waiver of, the foregoing objections, upon the  
13 entry of a stipulated confidentiality order, MicroPort will produce responsive  
14 documents for fracture complaints of the modular neck component which  
15 Plaintiff received and is at issue in this case, including Plaintiffs complaint file,  
16 which contain information responsive to this Request as it pertains to Plaintiff  
17 and the modular neck component she received.

18 REQUEST FOR PRODUCTION NO. 15:

19 All product labels, package inserts, or Instructions for Use (“IFU”) that YOU  
20 drafted, approved, published or distributed concerning the PROFEMUR  
21 DEVICE.

22 RESPONSE TO REQUEST FOR PRODUCTION NO. 15:

23 The general objections above are incorporated by reference as though fully set  
24 forth herein. MicroPort objects to this Request on the grounds that it seeks  
25 information neither relevant to the subject matter of this litigation nor  
26 proportional to the needs of the case because it seeks documents, for an  
27 unlimited period of time, concerning products which Plaintiff did not receive and  
28 which are not at issue in this case. Moreover, this Request is overbroad as it  
seeks versions and variations of labels and documents not received or reviewed  
by Plaintiffs surgeon. Subject to, and without waiver of, the foregoing  
objections, MicroPort responds that it will produce responsive, non-privileged  
product labels, package inserts, and Instructions for Use for the PROFEMUR®  
CoCr modular neck, model PHAC- 1254, if any.

REQUEST FOR PRODUCTION NO. 16:

All DOCUMENTS sufficient to show the warnings YOU provided to  
PATIENTS or their implanting surgeons concerning the risks of the  
PROFEMUR DEVICE with the CoCr NECK.

RESPONSE TO REQUEST FOR PRODUCTION NO. 16:

The general objections above are incorporated by reference as though fully set  
forth herein. MicroPort objects to this Request on the grounds that it seeks  
information neither relevant to the subject matter of this litigation nor  
proportional to the needs of the case because it seeks documents, for an

KIESEL LAW LLP  
Attorneys at Law  
Beverly Hills, California

1 unlimited period of time, concerning products which Plaintiff did not receive and  
2 which are not at issue in this case. Moreover, this Request seeks documents  
3 concerning different patients, product configurations, and surgeons which have  
4 no relevance to this matter. Subject to, and without waiver of, the foregoing  
5 objections, MicroPort responds that it will produce responsive, non-privileged  
6 product labels, package inserts, and Instructions for Use for the PROFEMUR®  
7 CoCr modular neck, model PHAC- 1254, if any.

8 REQUEST FOR PRODUCTION NO. 17:

9 All DOCUMENTS which RELATE TO testing or studies YOU conducted  
10 RELATING TO the PROFEMUR DEVICE with the CoCr NECK.

11 RESPONSE TO REQUEST FOR PRODUCTION NO. 17:

12 The general objections above are incorporated by reference as though fully set  
13 forth herein. MicroPort objects to this Request on the grounds that it seeks  
14 documents, for an unlimited period of time, concerning products which Plaintiff  
15 did not receive and which are not at issue in this case. Subject to, and without  
16 waiver of, the foregoing objections, upon the entry of a stipulated confidentiality  
17 order, MicroPort responds that it will produce responsive, non-privileged  
18 documents in its custody or control including testing and/or studies conducted  
19 concerning the PROFEMUR® CoCr modular neck, model PHAC- 1 254, if any.

20 REQUEST FOR PRODUCTION NO. 19:

21 All summary databases or spreadsheets which track failures or complaints  
22 regarding the PROFEMUR DEVICE, including, but not limited to, any claims  
23 database or spreadsheet that identifies complaints regarding the PROFEMUR  
24 DEVICE by the following categories: incident number, date, product ID,  
25 product, lot number, incident description, and investigation summary.

26 RESPONSE TO REQUEST FOR PRODUCTION NO. 19:

27 The general objections above are incorporated by reference as though fully set  
28 forth herein. MicroPort objects to this Request on the grounds that it seeks  
information neither relevant to the subject matter of this litigation nor  
proportional to the needs of the case because it seeks documents, for an  
unlimited period of time, concerning a failure mode (corrosion) and products  
which Plaintiff did not receive and which are not at issue in this case. Moreover,  
this Request seeks documents concerning other product failures and complaints  
concerning different patients, treated by different physicians and surgeons, with  
unique component configurations and differing medical conditions and  
circumstances, all of which have no relevance to the claims asserted by Plaintiff  
in this case. Subject to, and without waiver of, the foregoing objections, upon the  
entry of a stipulated confidentiality order, MicroPort responds that it will  
produce responsive documents for fracture complaints of the modular neck  
component which Plaintiff received and is at issue in this case.

REQUEST FOR PRODUCTION NO. 20:

All summary databases or spreadsheets, which identifies or tracks testing



KIESEL LAW LLP  
Attorneys at Law  
Beverly Hills, California

1 performed on a PROFEMUR DEVICE.

2 RESPONSE TO REQUEST FOR PRODUCTION NO. 20:

3 The general objections above are incorporated by reference as though fully set  
4 forth herein. MicroPort objects to this Request on the grounds that it seeks  
5 information neither relevant to the subject matter of this litigation nor  
6 proportional to the needs of the case because it seeks documents, for an  
7 unlimited period of time, concerning products which Plaintiff did not receive and  
8 which are not at issue in this case. Subject to, and without waiver of, the  
9 foregoing objections, upon the entry of a stipulated confidentiality order,  
10 MicroPort responds that it will produce responsive, non- privileged documents in  
11 its custody or control including testing and/or studies conducted concerning the  
12 PRO FEMUR® CoCr modular neck, model PHAC-1254, if any.

9 REQUEST FOR PRODUCTION NO. 21:

10 The design history file, design control file, or design dossier DOCUMENTS  
11 RELATING TO the design and development of the PROFEMUR NECKS in  
12 YOUR possession.

12 RESPONSE TO REQUEST FOR PRODUCTION NO. 21:

13 The general objections above are incorporated by reference as though fully set  
14 forth herein. MicroPort objects to the extent that the Request calls for documents  
15 that are publicly available, equally available from another party, and/or are  
16 outside MicroPort's possession, custody or control. MicroPort further objects to  
17 this Request on the grounds that it seeks information neither relevant to the  
18 subject matter of this litigation nor proportional to the needs of the case because  
19 it seeks documents, for an unlimited period of time, concerning products which  
20 Plaintiff did not receive and which are not at issue in this case. Subject to, and  
21 without waiver of, the foregoing objections, MicroPort responds that it was not  
22 involved in the design and development of the PROFEMUR® CoCr modular  
23 neck component which Plaintiff received and is at issue in this case.  
24 Notwithstanding this fact, MicroPort further responds that the device  
25 development file for the modular neck component which Plaintiff received will  
26 be produced in this case.

21 REQUEST FOR PRODUCTION NO. 22:

22 All DOCUMENTS, including but not limited to investigations, internal studies,  
23 reports, PowerPoint presentations, or other similar material, that address failure  
24 rate(s) of all modular neck systems, the demographics of such failures, and  
25 projections of the number, percentage, or rate of future failures.

25 RESPONSE TO REQUEST FOR PRODUCTION NO. 22:

26 The general objections above are incorporated by reference as though fully set  
27 forth herein. MicroPort objects to this Request on the grounds that it seeks  
28 information neither relevant to the subject matter of this litigation nor  
proportional to the needs of the case because it seeks documents, for an  
unlimited period of time, concerning products which Plaintiff did not receive and



KIESEL LAW LLP  
Attorneys at Law  
Beverly Hills, California

1 which are not at issue in this case. Moreover, this Request seeks documents  
2 concerning other product failures concerning different patients, treated by  
3 different physicians and surgeons, with unique component configurations and  
4 differing medical conditions and circumstances, all of which have no relevance  
5 to the claims asserted by Plaintiff in this case. MicroPort further objects to the  
6 extent the Request seeks documents authored and maintained by a party over  
7 whom MicroPort has no control. MicroPort further objects that the terms  
8 “investigations, internal studies, reports, PowerPoint presentations, or other  
9 similar material” and “all modular neck systems” are vague, ambiguous and  
10 undefined within the context of this Request. Subject to, and without waiver of,  
11 the foregoing objections, upon the entry of a stipulated confidentiality order,  
12 MicroPort responds that it will produce responsive documents for the modular  
13 neck component which Plaintiff received and is at issue in this case, including,  
14 but not limited to, the responsive post-market surveillance reports for the  
15 modular neck component which Plaintiff received.

16 REQUEST FOR PRODUCTION NO. 24:

17 All DOCUMENTS and supporting data which reflect the total number, by  
18 model, of PROFEMUR CoCr NECKS distributed/sold/implanted worldwide on  
19 an annual basis from 2009 to present.

20 RESPONSE TO REQUEST FOR PRODUCTION NO. 24:

21 The general objections above are incorporated by reference as though fully set  
22 forth herein. MicroPort objects on grounds that this Request seeks documents  
23 from a third party over whom MicroPort has no control. MicroPort further  
24 objects on the grounds that it no longer distributes or sells the PROFEMUR®  
25 CoCr neck component which Plaintiff received and is at issue in this case.  
26 MicroPort further objects to this Request on the grounds that it seeks information  
27 neither relevant to the subject matter of this litigation nor proportional to the  
28 needs of the case because it seeks documents, for an unlimited period of time,  
concerning products which Plaintiff did not receive and which are not at issue in  
this case. Moreover, information concerning the number of “PROFEMUR CoCr  
NECKS” MicroPort has “distributed/sold/implanted worldwide” has no  
relevance to the product liability claims asserted by Plaintiff. Subject to, and  
without waiver of, the foregoing objections, upon the entry of a stipulated  
confidentiality order, MicroPort will produce responsive documents for the  
modular neck component which Plaintiff received and is at issue in this case.

29 REQUEST FOR PRODUCTION NO. 26:

30 All DOCUMENTS and supporting data which reflect the total number, by  
31 model, of PROFEMUR CoCr NECKS distributed/sold/implanted domestically in  
32 the United States on an annual basis from 2009 to present.

33 RESPONSE TO REQUEST FOR PRODUCTION NO. 26:

34 The general objections above are incorporated by reference as though fully set  
35 forth herein. MicroPort objects on grounds that this Request seeks documents  
36 from a third party over whom MicroPort has no control. MicroPort further

KIESEL LAW LLP  
Attorneys at Law  
Beverly Hills, California

1 objects on the grounds that it no longer distributes or sells the PROFEMUR®  
2 CoCr neck component which Plaintiff received and is at issue in this case.  
3 MicroPort further objects to this Request on the grounds that it seeks information  
4 neither relevant to the subject matter of this litigation nor proportional to the  
5 needs of the case because it seeks documents, for an unlimited period of time,  
6 concerning products which Plaintiff did not receive and which are not at issue in  
7 this case. Moreover, information concerning the number of “PROFEMUR CoCr  
8 NECKS” MicroPort has “distributed/sold/implanted domestically in the United  
9 States” has no relevance to the product liability claims asserted by Plaintiff.  
10 Subject to, and without waiver of, the foregoing objections, upon the entry of a  
11 stipulated confidentiality order, MicroPort will produce responsive documents  
12 for the modular neck component which Plaintiff received and is at issue in this  
13 case.

14 REQUEST FOR PRODUCTION NO. 30:

15 All data and DOCUMENTS which reflect the total number, by model, of CoCr  
16 NECKS which were reported to YOU, WRIGHT, or Cremascoli as fractured in  
17 the United States from 2009 to present.

18 RESPONSE TO REQUEST FOR PRODUCTION NO. 30:

19 The general objections above are incorporated by reference as though fully set  
20 forth herein. MicroPort objects to the extent the Request seeks documents  
21 authored and maintained by a party over whom MicroPort has no control.  
22 MicroPort further objects to this Request on the grounds that it seeks information  
23 neither relevant to the subject matter of this litigation nor proportional to the  
24 needs of the case because it seeks documents concerning multiple products  
25 which Plaintiff did not receive and which are not at issue in this case. Moreover,  
26 this Request seeks documents concerning other product failures concerning  
27 different patients, treated by different physicians and surgeons, with unique  
28 component configurations and differing medical conditions and circumstances,  
all of which have no relevance to the claims asserted by Plaintiff in this case.  
Subject to, and without waiver of, the foregoing objections, upon the entry of a  
stipulated confidentiality order, MicroPort responds that it will produce  
responsive documents for fracture complaints of the modular neck component  
which Plaintiff received and is at issue in this case.

REQUEST FOR PRODUCTION NO. 32:

All data and DOCUMENTS which reflect the total number, by model, of CoCr  
NECKS which were reported to YOU, WRIGHT, or Cremascoli as fractured  
worldwide from 2009 to present.

RESPONSE TO REQUEST FOR PRODUCTION NO. 32:

The general objections above are incorporated by reference as though fully set  
forth herein. MicroPort objects to the extent the Request seeks documents  
authored and maintained by a party over whom MicroPort has no control.  
MicroPort further objects to this Request on the grounds that it seeks information  
neither relevant to the subject matter of this litigation nor proportional to the

KIESEL LAW LLP  
Attorneys at Law  
Beverly Hills, California

1 needs of the case because it seeks documents concerning multiple products  
2 which Plaintiff did not receive and which are not at issue in this case. Moreover,  
3 this Request seeks documents concerning other product failures concerning  
4 different patients, treated by different physicians and surgeons, with unique  
5 component configurations and differing medical conditions and circumstances,  
6 all of which have no relevance to the claims asserted by Plaintiff in this case.  
7 Subject to, and without waiver of, the foregoing objections, upon the entry of a  
8 stipulated confidentiality order, MicroPort responds that it will produce  
9 responsive documents for fracture complaints of the modular neck component  
10 which Plaintiff received and is at issue in this case.

11 REQUEST FOR PRODUCTION NO. 39:

12 All COMMUNICATION, including but not limited to emails and letter  
13 correspondence, between YOU and Dr. Jason Snibbe regarding PROFEMUR  
14 MODULAR NECKS from 2000 to the present.

15 RESPONSE TO REQUEST FOR PRODUCTION NO. 39:

16 The general objections above are incorporated by reference as though fully set  
17 forth herein. MicroPort objects to the extent the Request seeks documents  
18 authored and maintained by a party over whom MicroPort has no control.  
19 MicroPort further objects to this Request on the grounds it seeks documents  
20 neither relevant to the subject matter of this litigation nor proportional to the  
21 needs of the case because it seeks documents concerning products—some of  
22 which are comprised of a different material—which Plaintiff did not receive and  
23 which are not at issue in this case. Moreover, this Request seeks communications  
24 concerning other product failures concerning different patients with unique  
25 component configurations and differing medical conditions and circumstances,  
26 all of which have no relevance to the claims asserted by Plaintiff in this case.  
27 Subject to, and without waiver of, the foregoing objections, upon the entry of a  
28 stipulated confidentiality order, MicroPort responds that it will produce  
responsive documents, including, but not limited to, correspondence with Dr.  
Snibbe regarding the modular neck component which Plaintiff received and is at  
issue in this case, and Plaintiffs complaint file, which contain information  
responsive to this Request as it pertains to Plaintiff and the modular neck  
component she received.

REQUEST FOR PRODUCTION NO. 42:

All DOCUMENTS which RELATE TO COMMUNICATIONS between YOU  
and any implanting surgeon user discussing concerns related to corrosion and  
failure of the PROFEMUR DEVICE from 2000 to present.

RESPONSE TO REQUEST FOR PRODUCTION NO. 42:

The general objections above are incorporated by reference as though fully set  
forth herein. MicroPort objects on grounds that this Request seeks documents  
concerning a failure mode (corrosion) not at issue in this case, which therefore  
have no relevance to the claims asserted by Plaintiff. MicroPort further objects to  
this Request on the grounds it is vastly overbroad and unduly burdensome in that

KIESEL LAW LLP  
Attorneys at Law  
Beverly Hills, California

1 it seeks any and all communications, regardless of source, for information  
2 neither relevant to the subject matter of this litigation nor proportional to the  
3 needs of the case because it seeks documents concerning products-some of  
4 which are comprised of a different material-which Plaintiff did not receive and  
5 which are not at issue in this case. Moreover, this Request seeks communications  
6 concerning other product failures concerning different patients, treated by  
7 different physicians and surgeons, with unique component configurations and  
8 differing medical conditions and circumstances, all of which have no relevance  
9 to the claims asserted by Plaintiff in this case. MicroPort further objects to the  
10 extent the Request seeks documents authored and maintained by a party over  
11 whom MicroPort has no control. Subject to, and without waiver of, the foregoing  
12 objections, upon the entry of a stipulated confidentiality order, MicroPort  
13 responds that it will produce responsive documents for fracture complaints of the  
14 modular neck component which Plaintiff received and is at issue in this case,  
15 including Plaintiffs complaint file, which contain information responsive to this  
16 Request as it pertains to Plaintiff and the modular neck component she received.

17 REQUEST FOR PRODUCTION NO. 43:

18 All DOCUMENTS which RELATE TO COMMUNICATIONS between YOU  
19 and any PERSON or entity, including but not limited to the FDA or WRIGHT,  
20 concerning complaints about fractured CoCr NECK fracture components from  
21 2009 to present.

22 RESPONSE TO REQUEST FOR PRODUCTION NO. 43:

23 The general objections above are incorporated by reference as though fully set  
24 forth herein. MicroPort objects to this Request on the grounds it is vastly  
25 overbroad and unduly burdensome in that it seeks any and all communications,  
26 regardless of source or date, for information neither relevant to the subject matter  
27 of this litigation nor proportional to the needs of the case because it seeks  
28 documents concerning products which Plaintiff did not receive and which are not  
at issue in this case. Moreover, this Request seeks communications concerning  
other product failures concerning different patients, treated by different  
physicians and surgeons, with unique component configurations and differing  
medical conditions and circumstances, all of which have no relevance to the  
claims asserted by Plaintiff in this case. Subject to, and without waiver of, the  
foregoing objections, upon the entry of a stipulated confidentiality order,  
MicroPort responds that it will produce responsive documents for fracture  
complaints of the modular neck component which Plaintiff received and is at  
issue in this case, including Plaintiffs complaint file, which contain information  
responsive to this Request as it pertains to Plaintiff and the modular neck  
component she received.

REQUEST FOR PRODUCTION NO. 44:

All DOCUMENTS and COMMUNICATIONS in YOUR possession concerning  
post-market surveillance of the PROFEMUR DEVICE from 2000 to present.

KIESEL LAW LLP  
Attorneys at Law  
Beverly Hills, California

1 RESPONSE TO REQUEST FOR PRODUCTION NO. 44:

2 The general objections above are incorporated by reference as though fully set  
3 forth herein. MicroPort objects to the extent the Request seeks documents  
4 authored and maintained by a party over whom MicroPort has no control.  
5 MicroPort further objects to this Request on the grounds that it seeks information  
6 neither relevant to the subject matter of this litigation nor proportional to the  
7 needs of the case because it seeks documents concerning products – some of  
8 which are comprised of a different material – which Plaintiff did not receive and  
9 which are not at issue in this case. Subject to, and without waiver of, the  
10 foregoing objections, upon the entry of a stipulated confidentiality order,  
11 MicroPort responds that it will produce the post-market surveillance reports for  
12 the modular neck component which Plaintiff received and is at issue in this case.

13 REQUEST FOR PRODUCTION NO. 45:

14 Medical literature, papers, podium presentations, poster presentations, research,  
15 texts, treatises, or other similar DOCUMENTS, regardless of whether published  
16 or peer-reviewed, received or generated by or on YOUR behalf from January 1,  
17 2000 to the present, RELATING TO the integrity, wear-rate, micromotion,  
18 corroding, fretting, or fracturing of PROFEMUR Ti6A14V MODULAR  
19 NECKS, regardless of the exact language used, and regardless of whether it  
20 specifically addresses a WRIGHT or MICROPORT device.

21 RESPONSE TO REQUEST FOR PRODUCTION NO. 45:

22 The general objections above are incorporated by reference as though fully set  
23 forth herein. MicroPort objects to this Request on the grounds that it seeks  
24 information neither relevant to the subject matter of this litigation nor  
25 proportional to the needs of the case because it seeks documents, pre-dating by  
26 nearly a decade the launch of the modular neck component at issue here,  
27 concerning a failure mode (corrosion) and products comprised of a different  
28 material which Plaintiff did not receive and which are not at issue in this case,  
and products which were not even designed, developed, manufactured, or sold  
by MicroPort. MicroPort further objects to the extent the Request seeks  
documents authored and maintained by a party over whom MicroPort has no  
control. Subject to, and without waiver of, the foregoing objections, upon the  
entry of a stipulated confidentiality order, MicroPort responds that it will  
produce the device development file and post-market surveillance reports for the  
modular neck component which Plaintiff received and is at issue in this case.

23 REQUEST FOR PRODUCTION NO. 46:

24 Medical literature, papers, podium presentations, poster presentations, research,  
25 texts, treatises, or other similar DOCUMENTS, regardless of whether published  
26 or peer-reviewed, received or generated by or on YOUR behalf RELATING TO  
27 the integrity, wear-rate, micromotion, corroding, fretting, or fracturing of  
28 PROFEMUR CoCr MODULAR NECKS, regardless of the exact language used,  
and regardless of whether it specifically addresses a WRIGHT or MICROPORT  
device.



KIESEL LAW LLP  
Attorneys at Law  
Beverly Hills, California

1 RESPONSE TO REQUEST FOR PRODUCTION NO. 46:

2 The general objections above are incorporated by reference as though fully set  
3 forth herein. MicroPort objects to this Request on the grounds that it seeks  
4 information neither relevant to the subject matter of this litigation nor  
5 proportional to the needs of the case because it seeks documents concerning a  
6 failure mode ( corrosion) and products which Plaintiff did not receive and which  
7 are not at issue in this case, and products which were not even designed,  
8 developed, manufactured, or sold by MicroPort. MicroPort further objects to the  
9 extent the Request seeks documents authored and maintained by a party over  
whom MicroPort has no control. Subject to, and without waiver of, the foregoing  
objections, upon the entry of a stipulated confidentiality order, MicroPort  
responds that it will produce the device development file and post-market  
surveillance reports for the modular neck component which Plaintiff received  
and is at issue in this case.

10 REQUEST FOR PRODUCTION NO. 47:

11 All DOCUMENTS which RELATE TO COMMUNICATIONS between YOU  
12 and any surgeon RELATING TO or discussing in any way the integrity, wear-  
13 rate, micromotion, fretting, fretting corrosion, fracture or breakage of the  
PROFEMUR Ti6A14V MODULAR NECKS, regardless of whether that  
communication involved the personal experience of the surgeon with a patient.

14 RESPONSE TO REQUEST FOR PRODUCTION NO. 47:

15 The general objections above are incorporated by reference as though fully set  
16 forth herein. MicroPort objects to this Request on the grounds that it seeks  
17 information neither relevant to the subject matter of this litigation nor  
18 proportional to the needs of the case because it seeks documents, for an  
unlimited period of time, concerning a failure mode (corrosion) and numerous  
hip implant components comprised of a different material which Plaintiff did not  
receive and which are not at issue in this case. Moreover, this Request seeks  
communications concerning other patients, surgeons and product failures, all of  
which have no relevance to the claims asserted by Plaintiff in this case. Subject  
to, and without waiver of, the foregoing objections, upon the entry of a stipulated  
confidentiality order, MicroPort will produce responsive documents for fracture  
complaints of the modular neck component which Plaintiff received and is at  
issue in this case, including Plaintiffs complaint file, which may contain  
information responsive to this Request as it pertains to Plaintiff and the modular  
neck component she received.

24 REQUEST FOR PRODUCTION NO. 48:

25 All DOCUMENTS which RELATE TO COMMUNICATIONS between YOU  
26 and any surgeon RELATING TO or discussing in any way the integrity, wear-  
27 rate, micromotion, fretting, fretting corrosion, fracture or breakage of the  
PROFEMUR CoCr MODULAR NECK component, regardless of whether that  
communication involved the personal experience of the surgeon with a patient.



KIESEL LAW LLP  
Attorneys at Law  
Beverly Hills, California

1 RESPONSE TO REQUEST FOR PRODUCTION NO. 48:

2 The general objections above are incorporated by reference as though fully set  
3 forth herein. MicroPort objects to this Request on the grounds that it seeks  
4 information neither relevant to the subject matter of this litigation nor  
5 proportional to the needs of the case because it seeks documents, for an  
6 unlimited period of time, concerning a failure mode (corrosion) and numerous  
7 hip implant components which Plaintiff did not receive and which are not at  
8 issue in this case. Moreover, this Request seeks communications concerning  
9 other patients, surgeons and product failures, all of which have no relevance to  
10 the claims asserted by Plaintiff in this case. Subject to, and without waiver of, the  
11 foregoing objections, upon the entry of a stipulated confidentiality order,  
12 MicroPort will produce responsive documents for fracture complaints of the  
13 modular neck component which Plaintiff received and is at issue in this case,  
14 including Plaintiffs complaint file, which may contain information responsive to  
15 this Request as it pertains to Plaintiff and the modular neck component she  
16 received.

11 REQUEST FOR PRODUCTION NO. 51:

12 All published or presented material in YOUR possession wherein a PATIENT or  
13 recipient of a WRIGHT artificial hip speaks, promotes, or advocates on behalf of  
14 any WRIGHT artificial hip implant product, including, without limitation, any  
15 video footage of same.

14 RESPONSE TO REQUEST FOR PRODUCTION NO. 51:

15 The general objections above are incorporated by reference as though fully set  
16 forth herein. MicroPort objects on grounds this Request seeks documents which  
17 neither Plaintiff nor her treating physicians reviewed or relied upon, and are  
18 therefore not relevant to Plaintiffs claims. MicroPort further objects to the extent  
19 that the Request calls for documents that are publicly available, equally available  
20 from another party, and/or are outside MicroPort's possession, custody or  
21 control. MicroPort further objects to this Request on the grounds that it seeks  
22 information neither relevant to the subject matter of this litigation nor  
23 proportional to the needs of the case because it seeks documents, for an  
24 unlimited period of time, concerning any and all hip products-some of which are  
25 comprised of a different material-which Plaintiff did not receive and which are  
26 not at issue in this case. Read literally, this Request seeks any and all materials,  
27 relating in any way to the promotion of over thirty hip implant components  
28 without any geographic or temporal limitations. MicroPort further objects that  
the terms "published or presented material" are vague, ambiguous and undefined  
within the context of this Request. Subject to, and without waiver of, the  
foregoing objections, MicroPort responds that it will produce responsive, non-  
privileged documents in its custody or control demonstrating marketing of the  
PRO FEMUR® CoCr modular neck, model PHAC-1254, if any.

27 REQUEST FOR PRODUCTION NO. 52:

28 All published or presented material in YOUR possession wherein a PATIENT or  
recipient of a MICROPORT or WRIGHT artificial hip with a TITANIUM or

KIESEL LAW LLP  
Attorneys at Law  
Beverly Hills, California

1 CoCr MODULAR NECK speaks, promotes, or advocates on behalf of any  
2 MICROPORT or WRIGHT artificial hip implant product, including, without  
3 limitation, any video footage of same.

4 RESPONSE TO REQUEST FOR PRODUCTION NO. 52:

5 The general objections above are incorporated by reference as though fully set  
6 forth herein. MicroPort objects on grounds this Request seeks documents which  
7 neither Plaintiff nor her treating physicians reviewed or relied upon, and are  
8 therefore not relevant to Plaintiff's claims. MicroPort further objects to the extent  
9 that the Request calls for documents that are publicly available, equally available  
10 from another party, and/or are outside MicroPort's possession, custody or  
11 control. MicroPort further objects to this Request on the grounds that it seeks  
12 information neither relevant to the subject matter of this litigation nor  
13 proportional to the needs of the case because it seeks documents, for an  
14 unlimited period of time, concerning any and all hip products-some of which are  
15 comprised of a different material-which Plaintiff did not receive and which are  
16 not at issue in this case. Read literally, this Request seeks any and all materials,  
17 relating in any way to the promotion of over thirty hip implant components  
18 without any geographic or temporal limitations. MicroPort further objects that  
19 the terms "published or presented material" are vague, ambiguous and undefined  
20 within the context of this Request. Subject to, and without waiver of, the  
21 foregoing objections, MicroPort responds that it will produce responsive, non-  
22 privileged documents in its custody or control demonstrating marketing of the  
23 PRO FEMUR® CoCr modular neck, model PHAC-1254, if any.

24 REQUEST FOR PRODUCTION NO. 54:

25 All DOCUMENTS in YOUR possession RELATING TO WRIGHT'S,  
26 Cremascoli's, or MICROPORT'S failure mode analysis of the Ti6A14V NECK  
27 or CoCr NECK, including but not limited to any conclusions formulated or  
28 reached as a result of said investigation or analysis.

29 RESPONSE TO REQUEST FOR PRODUCTION NO. 54:

30 The general objections above are incorporated by reference as though fully set  
31 forth herein. MicroPort objects to the extent the Request seeks documents  
32 authored and maintained by a party over whom MicroPort has no control.  
33 MicroPort further objects to this Request on the grounds that it seeks information  
34 neither relevant to the subject matter of this litigation nor proportional to the  
35 needs of the case because it seeks documents, for an unlimited period of time,  
36 concerning products – some of which are comprised of a different material –  
37 which Plaintiff did not receive and which are not at issue in this case. MicroPort  
38 further objects that the term "failure mode analysis" is vague, ambiguous and  
39 undefined within the context of this Request. Subject to, and without waiver of,  
40 the foregoing objections, upon the entry of a stipulated confidentiality order,  
41 MicroPort responds that it will produce the device development file and risk  
42 assessment and analysis forms for the PROFEMUR® modular neck component  
43 at issue, which may include information responsive to this Request.

KIESEL LAW LLP  
Attorneys at Law  
Beverly Hills, California

1 REQUEST FOR PRODUCTION NO. 55:

2 All DOCUMENTS in YOUR possession RELATING TO WRIGHT'S,  
3 Cremascoli's, or MICROPORT'S failure mode analysis of the PROFEMUR  
4 DEVICE and/or its predecessor device, including but not limited to any  
5 conclusions formulated or reached as a result of said investigation or analysis.

6 RESPONSE TO REQUEST FOR PRODUCTION NO. 55:

7 The general objections above are incorporated by reference as though fully set  
8 forth herein. MicroPort objects to the extent the Request seeks documents  
9 authored and maintained by a party over whom MicroPort has no control.  
10 MicroPort further objects to this Request on the grounds that it seeks information  
11 neither relevant to the subject matter of this litigation nor proportional to the  
12 needs of the case because it seeks documents, for an unlimited period of time,  
13 concerning products-some of which are comprised of a different material-which  
14 Plaintiff did not receive and which are not at issue in this case. MicroPort further  
15 objects that the terms "failure mode analysis" and "predecessor device" are  
16 vague, ambiguous and undefined within the context of this Request. Subject to,  
17 and without waiver of, the foregoing objections, upon the entry of a stipulated  
18 confidentiality order, MicroPort responds that it will produce the device  
19 development file and risk assessment and analysis forms for the PROFEMUR®  
20 modular neck component at issue, which may include information responsive to  
21 this Request.

22 REQUEST FOR PRODUCTION NO. 57:

23 Produce a copy of all DOCUMENTS provided to YOUR employees and  
24 marketing, distribution, and sales personnel, on how to educate, inform, and  
25 notify surgeons and other users or purchasers of the PROFEMUR DEVICE,  
26 including but not limited to technical monographs, surgical technique guides,  
27 frequently asked questions brochures, and other DOCUMENTS that reflect,  
28 address, discuss or reference regulatory issues, concerns, problems or  
requirements related to PROFEMUR DEVICE.

RESPONSE TO REQUEST FOR PRODUCTION NO. 57:

The general objections above are incorporated by reference as though fully set  
forth herein. MicroPort objects to this Request on the grounds that it seeks  
information neither relevant to the subject matter of this litigation nor  
proportional to the needs of the case because it seeks documents, for an  
unlimited period of time, concerning products-some of which are comprised of a  
different material-which Plaintiff did not receive and which are not at issue in  
this case. MicroPort further objects that the terms "other users or purchasers" and  
"regulatory issues, concerns, problems or requirements" are vague, ambiguous  
and undefined within the context of this Request. Subject to, and without waiver  
of, the foregoing objections, MicroPort responds that it will produce the IFUs,  
surgical technique, technical monographs, and other marketing materials for the  
PROFEMUR® neck component at issue in this case.

KIESEL LAW LLP  
Attorneys at Law  
Beverly Hills, California

1 REQUEST FOR PRODUCTION NO. 65:

2 Produce any documents where YOU compare any aspects, properties,  
3 performance, characteristic, or safety of the CoCr NECK to any other  
4 PROFEMUR DEVICE, including those manufactured using a titanium  
(Ti6Al4V) alloy.

5 RESPONSE TO REQUEST FOR PRODUCTION NO. 65:

6 The general objections above are incorporated by reference as though fully set  
7 forth herein. MicroPort objects to this Request on the grounds that it seeks  
8 information neither relevant to the subject matter of this litigation nor  
9 proportional to the needs of the case because it seeks documents, for an  
10 unlimited period of time, concerning products-some of which are comprised of a  
11 different material-which Plaintiff did not receive and which are not at issue in  
12 this case. MicroPort further objects that the terms "aspects, properties,  
13 performance, characteristic, or safety" are vague, ambiguous and undefined  
14 within the context of this Request. Subject to, and without waiver of, the  
15 foregoing objections, upon the entry of a stipulated confidentiality order,  
16 MicroPort responds that it will produce the device development file, testing and  
17 engineering reports, and post-market surveillance reports for the PROFEMUR®  
18 modular neck component which Plaintiff received, which may contain  
19 information responsive to this Request.

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

26 [REDACTED]

27 [REDACTED]

28 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]